

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-02399-KBJ**

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE  
LAWYERS v. FEDERAL BUREAU OF PRISONS et al  
Assigned to: Judge Ketanji Brown Jackson  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/18/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**NATIONAL ASSOCIATION OF  
CRIMINAL DEFENSE LAWYERS**

represented by **Catherine Crump**  
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V.

**Defendant**

**FEDERAL BUREAU OF PRISONS**

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**Defendant****DEPARTMENT OF JUSTICE**

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**William Mark Nebeker**  
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| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 10/18/2018 | <u>1</u> | COMPLAINT against All Defendants ( Filing fee \$ 400 receipt number 0090-5745920) filed by NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS. (Attachments: # <u>1</u> Appendix A, # <u>2</u> Appendix B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons, # <u>5</u> Summons)(Pollack, Barry) Modified on 10/22/2018 (zrdj). (Entered: 10/18/2018)   |
| 10/18/2018 | <u>2</u> | NOTICE of Appearance by Barry J. Pollack on behalf of NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS (Pollack, Barry) (Entered: 10/18/2018)   |
| 10/18/2018 | <u>3</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Catherine Crump, :Firm- Samuelson Law, Technology & Public Policy Clinic, U.C. Berkeley School of Law, :Address- 353 Boalt Hall, Berkeley, CA 94720-7200. Phone No. - 510-642-5049. Filing fee \$ 100, receipt number 0090-5746136. Fee Status: Fee Paid. by NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Pollack, Barry) Modified on 10/22/2018 (zrdj). (Entered: 10/18/2018)   |
| 10/18/2018 | <u>4</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Megan Graham, :Firm- Samuelson Law, Technology & Public Policy Clinic, U.C. Berkeley School of Law, :Address- 353 Boalt Hall, Berkeley, CA 94720-7200. Phone No. - 510-664-4381. Filing fee \$ 100, receipt number 0090-5746155. Fee Status: Fee Paid. by NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Pollack, Barry) (Entered: 10/18/2018)   |
| 10/18/2018 |          | Case Assigned to Judge Ketanji Brown Jackson. (zmd) (Entered: 10/23/2018)   |
| 10/23/2018 | <u>5</u> | SUMMONS (2) Issued Electronically as to DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS. (Attachments: # <u>1</u> Notice and Consent)(jf) (Entered: 10/23/2018)  |
| 10/24/2018 | <u>6</u> | GENERAL ORDER AND GUIDELINES APPLICABLE TO FOIA CASES ASSIGNED TO JUDGE KETANJI BROWN JACKSON. The Court will hold the parties and counsel responsible for following these directives, and parties and counsel should pay particular attention to the Court's instructions for processing and production of records, batching motions, and filing exhibits. Failure to adhere to this Order may, when appropriate, result the imposition of sanctions and/or sua sponte denial of non-conforming motions. Signed by Judge Ketanji Brown Jackson on 10/24/2018. (lckbj1) (Entered: 10/24/2018) |
| 10/31/2018 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General  |

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|            |           | 10-31-18. (Pollack, Barry) (Entered: 10/31/2018)   |
| 10/31/2018 | <u>8</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF JUSTICE served on 10/31/2018; FEDERAL BUREAU OF PRISONS served on 10/30/2018 (Pollack, Barry) (Entered: 10/31/2018)   |
| 11/15/2018 | <u>9</u>  | AMENDED COMPLAINT ( <i>Amended Complaint for Injunctive Relief</i> ) against DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS filed by NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS. (Attachments: # <u>1</u> Appendix Index of Appendices, # <u>2</u> Appendix A – The BOP Request, # <u>3</u> Appendix B – The DOJ Request, # <u>4</u> Appendix C – The EOUSA Request, # <u>5</u> Appendix D – Redlined Amended Complaint, # <u>6</u> Summons Bureau of Prisons, # <u>7</u> Summons Department of Justice)(Pollack, Barry) (Entered: 11/15/2018) |
| 11/15/2018 | <u>10</u> | NOTICE of Appearance by William Mark Nebeker on behalf of DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS (Nebeker, William) (Entered: 11/15/2018)  |
| 11/19/2018 |           | MINUTE ORDER granting <u>3</u> , <u>4</u> Motion for Leave to Appear Pro Hac Vice. It is hereby ORDERED that Catherine Crump and Megan Graham are admitted Pro Hac Vice in this matter as counsel for Plaintiff. Signed by Judge Ketanji Brown Jackson on 11/19/2018. (lckbj1) (Entered: 11/19/2018)   |
| 11/26/2018 | <u>11</u> | SUMMONS (2) Issued Electronically as to DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS. (jf) (Entered: 11/26/2018)   |
| 11/30/2018 | <u>12</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF PRISONS served on 11/30/2018 (Graham, Megan) (Entered: 11/30/2018)  |
| 11/30/2018 | <u>13</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF JUSTICE served on 11/30/2018 (Graham, Megan) (Entered: 11/30/2018)  |
| 12/11/2018 | <u>14</u> | NOTICE by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS (Nebeker, William) (Entered: 12/11/2018)  |
| 12/14/2018 | <u>15</u> | Consent MOTION for Extension of Time to File Answer re <u>9</u> Amended Complaint, by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS (Attachments: # <u>1</u> Text of Proposed Order)(Valdez, Darrell) (Entered: 12/14/2018)   |
| 12/17/2018 |           | MINUTE ORDER granting, for good cause shown, <u>15</u> Consent Motion for Extension of Time to Answer, nunc pro tunc. It is hereby ORDERED that Defendants shall answer or otherwise respond to the Amended Complaint on or before 1/14/2019. Signed by Judge Ketanji Brown Jackson on 12/17/2018. (lckbj1) (Entered: 12/17/2018)  |
| 01/09/2019 | <u>16</u> | Consent MOTION to Stay re <u>9</u> Amended Complaint, by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS (Attachments: # <u>1</u> Text of Proposed Order)(Valdez, Darrell) (Entered: 01/09/2019)  |
| 01/09/2019 |           | MINUTE ORDER granting <u>16</u> Consent Motion to Stay in light of lapse of appropriations. For good cause shown, it is hereby ORDERED that this case is STAYED and that Defendants shall answer or other respond to the Amended Complaint on or before fourteen (14) days after Congress has restored appropriations to DOJ and BOP. Counsel for Defendants shall notify the Court as soon as Congress has appropriated funds. Signed by Judge Ketanji Brown Jackson on 1/9/2019. (lckbj1) (Entered: 01/09/2019)                                      |
| 02/11/2019 | <u>17</u> | NOTICE OF RESTORED GOVERNMENT FUNDING by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS re Order on Motion to Stay, (Nebeker, William) (Entered: 02/11/2019)   |
| 02/11/2019 | <u>18</u> | ANSWER to <u>9</u> Amended Complaint, by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS.(Nebeker, William) (Entered: 02/11/2019)   |
| 02/11/2019 |           | MINUTE ORDER. Defendants have provided notice that an appropriations act providing funding to the Department of Justice for a three-week period of time was enacted on 1/25/2019. (ECF No. <u>17</u> .) Accordingly, it is hereby ORDERED that the   |

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|            |           | stay in this matter is lifted, and that the parties shall promptly confer and file a joint proposed schedule for briefing or disclosure on or before 2/25/2019. Signed by Judge Ketanji Brown Jackson on 2/11/2019. (lckbj1) (Entered: 02/11/2019)  |
| 02/22/2019 | <u>19</u> | Unopposed MOTION for Extension of Time to <i>File Joint Proposed Schedule for Disclosure</i> by NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS (Attachments: # <u>1</u> Text of Proposed Order)(Graham, Megan) (Entered: 02/22/2019)  |
| 02/27/2019 |           | MINUTE ORDER granting, for good cause shown, <u>19</u> Unopposed Motion for Extension of Time to File Joint Proposed Schedule. It is hereby ORDERED that the parties' joint proposed schedule for briefing or disclosure is due on or before 3/4/2019. Signed by Judge Ketanji Brown Jackson on 2/27/2019. (lckbj1) (Entered: 02/27/2019)   |
| 03/04/2019 | <u>20</u> | Joint STATUS REPORT by NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS. (Graham, Megan) (Entered: 03/04/2019)  |
| 03/21/2019 | <u>21</u> | MOTION for Hearing <i>Status Conference</i> by NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS (Attachments: # <u>1</u> Text of Proposed Order)(Graham, Megan) Modified event title on 3/26/2019 (znmw). (Entered: 03/22/2019)   |
| 04/03/2019 | <u>22</u> | Joint STATUS REPORT by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS. (Nebeker, William) (Entered: 04/03/2019)   |
| 04/05/2019 |           | MINUTE ORDER. In light of the representations in the parties' <u>22</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or before 5/6/2019, which shall include a proposed schedule for processing and production. It is FURTHER ORDERED that Plaintiff's <u>21</u> Motion for a Status Conference is DENIED without prejudice. Signed by Judge Ketanji Brown Jackson on 4/5/2019. (lckbj2) (Entered: 04/05/2019)  |
| 04/09/2019 |           | Set/Reset Deadlines: Status Report due by 5/6/2019 (tj) (Entered: 04/09/2019)   |
| 05/06/2019 | <u>23</u> | Joint STATUS REPORT by NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS. (Graham, Megan) (Entered: 05/06/2019)  |
| 05/07/2019 |           | MINUTE ORDER. In light of the representations in the parties' <u>10</u> Joint Status Report, it is hereby ORDERED that the Criminal Division shall complete its searches for records responsive to Plaintiff's FOIA request on or before 5/20/2019, and that the parties shall file a further joint status report on or before 5/28/2019, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 5/7/2019. (lckbj1) (Entered: 05/07/2019)   |
| 05/28/2019 | <u>24</u> | Joint STATUS REPORT by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS. (Nebeker, William) (Entered: 05/28/2019)   |
| 05/30/2019 |           | MINUTE ORDER. It is hereby ORDERED that the parties shall promptly confer in good faith regarding the issues identified in their <u>24</u> Joint Status report regarding the Criminal Division's search for and production of responsive records, and file a further joint status report on those matters on or before 6/13/2019. It is FURTHER ORDERED that the parties shall file an omnibus joint status report on or before 6/28/2019, which shall contain a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 5/30/2019. (lckbj1) (Entered: 05/30/2019) |
| 06/12/2019 | <u>25</u> | Joint STATUS REPORT by NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS. (Graham, Megan) (Entered: 06/12/2019)  |